

भारत का राजपत्र

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इस भाग में विभिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूपमें रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 23rd April, 1993:—

BILL NO. 28 OF 1993

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Representation of the People (Amendment) Act, 1993. Short title.

43 of 1951.

2. After section 10A of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“10B. A person shall be disqualified for election to the Lok Sabha Rajya Sabha/Vidhan Sabha/Vidhan Parishad or any local body if he or she preaches communal hatred or religious animosity so as to provoke communal feeling and disharmony, or speaks against the principles of secularism as enshrined in the Constitution, or if he or she has been a member or has associated himself or herself in any manner with any propaganda or campaign or participated in any manner in the activities of any of the organisations specified in the First Schedule during a period of seven years preceding his or her being nominated to contest any election.”.

Insertion of new section 10B.

Disqualification or ground of association with certain organisations.

Amendment of section 11.

3. In section 11 of the principal Act, for the words "section 8A", the words "sections 8A and 10B" shall be substituted.

Amendment of section 33.

4. In section 33 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) No candidate shall be considered to be a duly nominated candidate in any election, if the proposed candidate does not subscribe to an oath as per the form set out for the purpose in the Second Schedule.”.

Amendment of section 123.

5. In Section 123 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely:—

"(9) Any false information knowingly and deliberately provided in the oath to be taken before the Returning Officer under section 33 of the Second Schedule shall be regarded as a corrupt practice and the candidate who has provided such information shall be barred from contesting two subsequent elections to the Lok Sabha or Vidhan Sabha or the local body election to which the candidate has filed a nomination.”

Addition of Schedules.

6. After Part XI of the principal Act, the following Schedules shall be added at the end, namely:—

“THE FIRST SCHEDULE

(See section 10B)

1. Rashtriya Swayam Sewak Sangh.
2. Jamat-e-Islami.
3. Vishwa Hindu Parishad
4. Bajrang Dal.
5. Islamic Sevak Sangh.
6. Akhil Bharatiya Vidyarthi Parishad.
7. Any other organisation banned by the Union Government for promoting communal hatred or disharmony.

THE SECOND SCHEDULE

(See section 33)

Form of oath to be administered by the Returning Officer to every candidate to Lok Sabha/Rajya Sabha/Vidhan Sabha/Vidhan Parishad and Local Bodies in the States.

"I....., son|daughter|wife of ordinarily resident of....., being nominated as a candidate to the elections to be held in the Lok Sabha constituency/to Rajya Sabha from the State of or Legislative Assembly Constituency/to Legislative Council of the State of do solemnly affirm that I have never been a member or in any manner associated with or participated in the propaganda or activities of any of the organisations specified in the First Schedule to the Representation of the People Act, 1951, during the past seven years.”.

STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1951, provides for various matters connected with conduct of elections, including qualification of voters and candidates at such elections and matters connected therewith. The principal Act has been amended from time to time to make its provisions more effective.

In 1976, the Preamble to the Constitution of India was amended to include the word "Secular" in it. The character of the State has thus been clearly defined to be "secular". All organs of the State have thus to reflect and pursue this goal.

Candidates who contest on behalf of the political parties or as independent candidates to either House of Parliament or State Legislature are constitutionally bound to accept the secular character of the Republic and it is necessary that they should on oath spell out their commitment to secularism and their disavowal of communalism in any form before they contest any election and there ought to be provisions also for disqualifying those candidates preaching communal hatred or religious animosity.

It has been found that some organisations parading as 'cultural' organisation has in effect been preaching communalism under the mask of being religious or cultural organisations and undermining the secular character of the State. Such activities are against the letter and spirit of the Constitution and its secular basis.

In the wake of demolition of place of worship popularly known as 'Babri Masjid' situated at Ayodhya on 6th December, 1992, the Union Government has taken steps to ban the activities of certain organisations like the Rashtriya Swayam Sevak Sangh who pose a threat to the integrity of the State and specifically for undermining the secular character of the State.

Membership or participation in the activities or association with these organisations are incompatible with the membership of either House of Parliament or State Legislature. The Bill seeks to impose disqualification on this count and make consequential changes in the Representation of the People Act, 1951.

NEW DELHI:

K. P. UNNIKRISHAN

February 15, 1993.

BILL NO. 42 OF 1993

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1993.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, C.O.22. in Part III.-Bihar, after entry 11, the following entry shall be inserted, namely:—

“11A. Dhanuk”.

STATEMENT OF OBJECTS AND REASONS

Dhanuk is one of the most backward classes in India enumerated as Scheduled Castes or Scheduled Tribes in many States in the country. They were classified as "Asur" during the rule of Surs, as "Anarya" during the rule of Aryans, as "Shudras" during the period of Manu, as "Dalits" during the British rule and, at present, are classified as Harijans/Tribals.

Although Dhanuks are the followers of Hindu religion, yet they have their own primitive culture which they are following for centuries. This community has still been observing the age old ceremonies of marriage such as starting of marriage ceremonies by making fire by rubbing wood. They practise witch craft and observe such other things as are being observed by Scheduled Tribes elsewhere.

They are socially, economically and educationally backward and are being exploited by the upper castes. Therefore, their inclusion in the list of Scheduled Tribes will be the first major step towards their economic and social emancipation.

The Bill seeks to achieve the above objective.

NEW DELHI:

February 23, 1993.

GIRIJA DEVI

BILL No. 54 of 1993

A Bill further to amend the Institutes of Technology Act, 1961.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Institutes of Technology (Amendment) Act, 1993.

(2) It shall be deemed to have come into effect from the first day of April, 1988.

Insertion of new section 7A. 2. After section 7 of the Institutes of Technology Act, 1961, the 59 of 1961.

Indemnity Bond to be executed by students. “7A. (1) Every student, before he is admitted to any Institute, shall furnish an indemnity bond—

(i) of the value of rupees thirty-five lakh if the student is admitted to any bachelor's degree course; or

(ii) of the value calculated at the rate of rupees five lakh per year of the duration of the course if the student is admitted to a post-graduate course;

to the effect that he would comply with the provisions of this section:

Provided that if a student gives up his studies before the completion of the course he was admitted into, the amount of indemnity bond shall be calculated at the rate of rupees five lakh for every completed year of studies in the Institute.

(2) It shall be compulsory for every student to serve within the country for a minimum period of ten years on completion of his course:

Provided that if a student gives up his studies before the completion of the course he was admitted into, the student shall be required to serve for a period twice the number of completed years of studies in the Institute.

(3) Any student leaving the country for taking up any employment within the period stipulated under sub-section (2), shall pay to the Institute, in the currency of the country to which he/she is migrating, a sum equal to the value of indemnity bond furnished by him under sub-section (1):

Provided that in case a student who does not complete his compulsory service as provided for under sub-section (2), the amount of indemnity bond shall be deemed to have been reduced by the amount which shall be proportionate to the number of years of service rendered by the student in the country.

(4) The Central Government shall take appropriate steps to recover the amount of indemnity bond from a student who migrates to a foreign country but fails to pay the Institute as provided for under sub-section (3).".

STATEMENT OF OBJECTS AND REASONS

The Indian Institutes of Technology, which are situated at five places in our country, admit about 1500 students for undergraduate studies every year based on an All India Entrance Examination. Given the high employment potential, the examination attracts the best science and engineering talent in the country. There is a drop-out rate of about 3 to 5 per cent. in these courses due to students leaving for other careers, failing, etc. It is estimated that about 70 per cent of the graduate students leave the country for studies abroad. Barely 10 per cent. of them return to India. Thus, close to 800 trained engineers, educated at public expense, are lost to the country every year. It is estimated that the total capital and infrastructural cost per student in the Institute is between rupees 5 to 7 lakh per year. Thus, between rupees 200 to 300 crore are lost to the exchequer every year. The main beneficiaries of this emigration of manpower and capital are the developed and the industrialised countries of North America and Western Europe. The Bill seeks to prevent this colossal brain drain from the country at such great loss to the exchequer.

NEW DELHI;
March 5, 1993.

GEORGE FERNANDES.

BILL No. 47 OF 1993

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1993.

Short title.

2. In article 253 of the Constitution, the following proviso shall be added at the end, namely:—

Amend-
ment of
article
253.

“Provided that the Bill providing for a law as is referred to in this article shall be deemed to have been passed by both Houses of Parliament only when it is passed in each House of Parliament by a majority of the total membership of that House and is also ratified by the Legislature of not less than one-half of the States by resolutions to that effect passed by those Legislatures before the Bill providing for such a law is presented to the President for assent.”

STATEMENT OF OBJECTS AND REASONS

It is considered that the conclusion of treaties, agreements and conventions with other countries and decisions made at international conferences, associations and other international bodies is still the exclusive privilege of the Union Executive to the total exclusion of State Legislatures. Exclusion of State Legislatures from participating in such decision-making though they relate to the very vitals of national life, is an anomaly in the Constitutional jurisprudence of our democratic Republic. The Bill, therefore, seeks to introduce the much desired democratic content of effective participation of the representatives of the people in taking decision in the implementation of any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body and, as such will also provide a meaningful centre-state relationship.

NEW DELHI;

GEORGE FERNANDES.

March 5, 1993.

BILL NO. 49 OF 1993

A Bill further to amend the Payment of Wages Act, 1936.

Be it enacted by Parliament in the Forty-fourth Year of Republic of India as follows:—

- 4 of 1936.

2. In the Payment of Wages Act, 1936 (hereinafter referred to as the principal Act), in section 1, in sub-section (6), for the words "one thousand six hundred rupees", the words "five thousand rupees" shall be substituted. Amend-
ment of
section 1.

3. In section 20 of the principal Act,—

(a) in sub-section (1), for the words "shall be punishable with fine which shall not be less than two hundred rupees but which may extend to one thousand rupees", the words "shall be punishable with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees" shall be substituted; Amend-
ment of
section 20.

(b) in sub-section (2), for the words "shall be punishable with fine which may extend to five hundred rupees", the words "shall be punishable with fine which may extend to five thousand rupees" shall be substituted;

(c) in sub-section (3), for the words "shall, for each such offence, be punishable with fine which shall not be less than two hundred rupees but which may extend to one thousand rupees", the words "shall, for each such offence, be punishable with fine which shall not be less than five thousand rupees and with imprisonment for a term which shall not be less than three months" shall be substituted;

(d) in sub-section (4), for the words "shall be punishable with fine which shall not be less than two hundred rupees but which may extend to one thousand rupees", the words "shall be punishable with fine which shall not be less than five thousand rupees and with imprisonment for a term which shall not be less than three months" shall be substituted;

(e) in sub-section (5), for the words "shall be punishable on a subsequent conviction with imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which shall not be less than five hundred rupees but which may extend to three thousand rupees", the words "shall be punishable on a subsequent conviction with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine which shall not be less than twenty thousand rupees but which may extend to one lakh rupees" shall be substituted; and

(f) in sub-section (6), for the words "be punishable with an additional fine which may extend to one hundred rupees for each day for which such failure or neglect continues", the words "be punishable with an additional fine which may extend to one thousand rupees for each day for which such failure or neglect continues" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Payment of Wages Act, 1936, is meant to enable the workers to recover any delayed or denied wages due to them. It also provides for penalties on employers guilty of any breach of law in so far as payment of the dues of their employees is concerned.

By an amending Act in 1982, the Payment of Wages Act, 1936, was made applicable to workers whose wages average up to rupees one thousand six hundred per month from the earlier limit of rupees one thousand per month.

The compensatory money value for the ever-rising inflation in the country has resulted in most workers in the organised and some workers in the unorganised sector getting salaries much above rupees one thousand and six hundred per month, which has, consequently, taken them out of the purview of the provisions of the Act. The employers have been quick to take advantage of this situation and are delaying payment of wages to their employees and, thus, harassing them in many ways apart from exposing them and their families to misery and starvation.

Another factor which has made the employers taking the provisions of this Act very casually is the nominal penalty prescribed for the various offences committed by them. Token penalties lead to a tendency in encouraging people to breach the law, and, thereby, nullify the purpose of the enactment.

The Bill, therefore, seeks to make the Act applicable to all those workers whose wages average up to rupees five thousand per month and, also seeks to increase the penalties prescribed for offences under the Act.

NEW DELHI;

March 5, 1993.

GEORGE FERNANDES

BILL No. 43 of 1993*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1993.

Amend-
ment of
article
163.

2. In article 163 of the Constitution,—

(i) for clause (1), the following clause shall be substituted, namely:—

“(1) There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor who shall, in the exercise of his functions, act in accordance with such advice.”; and

(ii) clause (2) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India envisages Parliamentary democracy with federal set up. In Indian democracy, the supreme executive *i.e.* the President has been justifiably fettered by the Constitution to act in the exercise of his functions in accordance with the advice tendered by the Council of Ministers. This provision is in consonance with the norms being followed by other democratic countries in the world. Similarly, the Governors should also not have unlimited discretionary powers. The legislation will also help in the growth and active participation of the people through their representatives in the process of administration of the state.

Hence this Bill.

NEW DELHI;

March 10, 1993

SUDHIR GIRI

BILL No. 48 of 1993

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

Insertion of new article
18A.

Right to food.

1. This Act may be called the Constitution (Amendment) Act, 1993.

2. After article 18 of the Constitution, the following sub-heading and article shall be inserted, namely:—

“Right to Food

18A. (1) Every citizen shall have the right to adequate food.

(2) Parliament may by law provide—

(a) for the persons to whom the food shall be given free of cost or at subsidised rate and the manner in which food shall be provided to such persons;

(b) for the quality and quantity of food that shall be given to persons under clause (a);

(c) for the measures that shall be taken to make adequate food available to persons residing in areas affected by famine, floods, drought or by any other natural calamity and in all tribal areas having scarcity of food;

(d) for the methods and policies that shall be adopted to increase production of foodgrains; and

(e) for the method of distribution of foodgrains from one State having large production of foodgrains to another State where there is a scarcity of foodgrains.”.

STATEMENT OF OBJECTS AND REASONS

Food is one of the basic needs for survival of all living creatures on the earth. Though article 47 of the Constitution provides that the State shall take steps to raise the level of nutrition of its people and improve public health but nothing has been done in this field so far.

Many governments in the world recognise freedom from hunger i.e. right to food as one of the most essential of all human rights and, as such, everyone has a right to adequate food. Hunger and malnutrition in our country reflects the most agonising dilemma of India as a welfare State. Many people, including children and women, die every year because of the twin problems of starvation and malnutrition in our country.

In our country, where drought, floods and famines are so common, freedom from hunger i.e. right to adequate food needs a special attention of the Government. Many districts in Orissa, Bihar, Andhra Pradesh and other States face the acute problems of malnutrition and starvation. The agony of famine in Bolangir district in Western Orissa that compelled parents to sell their children for the price of a day's meal has put to naught the concept of India as a welfare State. The situation due to famine in Palmau and other adjoining areas in Bihar has resulted in exodus of millions of people from the area. Most often, in famine affected areas, the State administration appears to be unconcerned about the happenings and, as such many persons die of starvation.

Although, every year, there is a bumper crop of foodgrains in the country, yet millions of people in the country have to sleep empty stomach. Therefore, there is a need for evolving a policy envisaging just and equitable distribution of foodgrains in all parts of the country.

The Bill, therefore, seeks to make the right to food as a fundamental right so that citizens of India are not deprived of this basic need for their survival.

NEW DELHI;
March 19, 1993.

RAJVIR SINGH

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that every citizen shall have the right to adequate food. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be incurred from the Consolidated Fund of India.

C. K. JAIN,
Secretary-General.